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MISHNAH: All the roofs of a town<sup>1</sup> constitute<sup>2</sup> a single domain,<sup>3</sup> provided no roof is ten tefachim higher or lower than the neighboring roof;<sup>4</sup> these are the words of Rabbi Meir. The Sages, however, ruled: each one is a separate domain.<sup>5</sup> Rabbi Shimon ruled: Roofs, courtyards and karpafs are equally regarded as one domain<sup>6</sup> in respect of carrying from one into the other objects that were kept within them when the Shabbos began, but not in respect of objects that were in the house when the Shabbos began.<sup>7</sup> (89a)

GEMARA: Abaye bar Avin and Rabbi Chanina bar Avin sat at their studies while Abaye was sitting beside them, and in the course of the session they remarked: One can well justify the view of the Rabbis since they may hold the view that as the tenants are divided below so are they divided above; but as to Rabbi Meir, what could his view be? If he holds that the tenants are divided above as they are divided below, why should the roofs constitute a single

domain? And if he holds that they are not divided above because all places above ten tefachim are regarded as a single domain, why<sup>8</sup> shouldn't this also apply to a roof that was ten tefachim higher or lower? 'You have not heard', Abaye said to them, 'the following statement made by Rav Yitzchak bar Avdimi: Rabbi Meir always maintained that wherever you find two domains of the same character [one within the other] as, for instance, a column ten tefachim high and four tefachim wide<sup>9</sup> in a private domain, it is forbidden<sup>10</sup> to re-arrange loads on the former, as a preventive measure against a similar act in the case of a mound<sup>11</sup> in a public domain.<sup>12</sup> Here,<sup>13</sup> too, it may be explained, a preventive measure was enacted against a similar act in the case of a mound in a public domain'.

They understood him to imply that the same restriction<sup>14</sup> applies also to a mortar or a barrel<sup>15</sup>, but Abaye said to them, 'Thus said the Master: Rabbi Meir spoke only of a column and an enclosure of millstones, since their owner

<sup>1</sup> Though the houses beneath are occupied by different tenants and constitute different domains.

<sup>2</sup> Since they are only infrequently used.

<sup>3</sup> And it is permitted to carry objects from one roof into another on the Shabbos.

<sup>4</sup> If one roof was higher or lower than the one adjoining it no objects may be moved on the Shabbos from the one into the other.

<sup>5</sup> Lit., 'before itself', so that where the tenants did not join in one eiruv the movement of objects from one roof to the other is forbidden.

<sup>6</sup> Even though the owners did not join in one eiruv.

<sup>7</sup> These, though they may be carried into the same courtyard, for instance, by virtue of an eiruv the tenants of that courtyard had jointly prepared, they may not be carried into a neighboring courtyard unless the two courtyards too had been joined in one eiruv.

<sup>8</sup> Since all roofs are no less than ten tefachim higher than the ground level.

<sup>9</sup> Which has the status of an independent private domain.

<sup>10</sup> To the people in the private domain in which the column stood, though the former legally reaches up to the sky.

<sup>11</sup> Ten tefachim high which has the status of a private domain.

<sup>12</sup> If the use of the column in the private domain had been allowed people would also have used a similar column in a public domain for the same purpose.

<sup>13</sup> The prohibition of movement in the case of a roof that was ten tefachim higher or lower than all adjoining one.

<sup>14</sup> Carrying objects from one domain into the other.

<sup>15</sup> That was turned upside down and formed an elevation of ten tefachim.

assigns for them a permanent position. - But is there not the case of a wall between two courtyards, which is a permanent fixture, and yet Rav Yehudah stated: 'A careful study would show that,<sup>16</sup> according to the view of Rabbi Meir, roofs are regarded as a separate domain,<sup>17</sup> courtyards as a separate domain, and karpafs as a separate domain'<sup>18</sup> which<sup>19</sup> implies, does it not, that it is permissible to move objects across a wall?<sup>20</sup> — Rav Huna bar Yehudah citing Rav Sheishes replied: No, the implication<sup>21</sup> is that it is permitted to carry objects in and to carry them out by way of the doors. (89a)

The Sages, however, ruled: each one is a separate domain. It was stated: Rav ruled: Objects in it<sup>22</sup> may be moved only within four amos,<sup>23</sup> and Shmuel ruled: It is permitted to move objects throughout its area.<sup>24</sup> Where the partitions are distinguish able<sup>25</sup> there is no divergence of opinion;<sup>26</sup> the dispute is limited to the case of partitions that are indistinguishable. Rav maintains that, 'Objects in it may be moved only within four amos' because [in such circumstances] he does not uphold the principle of the upward extension of the walls; while Shmuel ruled: 'It is permitted to move objects throughout its area', because [even in such circumstances] he upholds the principle of the upward extension of the walls.

<sup>16</sup> Since he regards all roofs as one domain and yet forbids the movement of objects between two roofs one of which was ten tefachim higher or lower than the other.

<sup>17</sup> But not roofs and courtyards, for instance, since the former are more than ten tefachim higher than the latter.

<sup>18</sup> I.e., it is only permissible to move objects from place to place in the same class but it is forbidden to move objects from one of these classes into any of the other.

<sup>19</sup> Since no restrictions are imposed on the movement of objects between any number of courtyards.

<sup>20</sup> Between two courtyards. Now, since here no preventive measure was enacted against a similar act in the case of a mound in a public domain is it likely, as Abaye maintained, that the provision against such a possibility was Rabbi Meir's reason for his ruling in our Mishnah.

<sup>21</sup> That 'it is permissible to move objects' from courtyard to courtyard.

<sup>22</sup> A roof adjoining another roof of the same level.

We learned: The Sages, however, ruled: each one is a separate domain.<sup>27</sup> This ruling, according to Shmuel, is quite satisfactory, but does it not, according to Rav, present a difficulty? — The school of Rav explained in the name of Rav: That one must not move an object along two amos on one roof and along another two amos on an adjacent roof.<sup>28</sup> But, surely, Rabbi Elozar related, 'when we were in Babylon we used to teach as follows: The School of Rav in the name of Rav ruled: Objects on a roof may be moved only within four amos, whereas those of the school of Shmuel learned: Householders have only the use of their roofs'. Now what could be the meaning of the expression, 'have only the use of their roofs'? Is it not that they are permitted to move objects about throughout its area?<sup>29</sup> — Has this then more force than our Mishnah? As we have explained this to mean, 'that one must not move an object along two amos on one roof and along another two amos on an adjacent roof', so we might also explain this: Two amos on one roof and two amos on the other.<sup>30</sup>

Rav Yosef observed: I have not heard of this ruling.<sup>31</sup> Said Abaye to him, 'You yourself told it to us, and it was in connection with the following that you told it to us: If a big roof was adjacent to a smaller one, the use of the bigger

<sup>23</sup> Each roof being a separate domain, fully exposed to the adjacent roof that is of a similar status, the two, since it is forbidden to move any objects between them, impose restrictions upon each other.

<sup>24</sup> The walls of the houses, he maintains, are deemed to extend upwards and to form virtual partitions around the roofs.

<sup>25</sup> The houses are detached from each other so that their walls can be seen from the roofs.

<sup>26</sup> Lit., 'all the world does not dispute', that the walls are deemed to be extending upwards and to form partitions around the roofs in agreement with Shmuel's view.

<sup>27</sup> This is now assumed to mean that each householder is allowed the free movement of objects throughout the area of his roof.

<sup>28</sup> Within the same roof, however, it is permitted to move an object within four amos, but no further.

<sup>29</sup> How then is Rav's view to be reconciled with the implication of this Baraisa?

<sup>30</sup> Within the same roof, however, it is permitted to move an object within four amos, but no further.

<sup>31</sup> Of Shmuel, that though the walls cannot be seen from the roof the principle of upward extension is nevertheless upheld.

one<sup>32</sup> is permitted,<sup>33</sup> and the use of the smaller one is forbidden.<sup>34</sup> And it was in connection with this that you told us: Rav Yehudah in the name of Shmuel stated: They learned this<sup>35</sup> only in the case where there were dwellers on the one as well as on the other<sup>36</sup> so that the imaginary partition of the smaller roof<sup>37</sup> is one that is trodden upon, but if there were no dwellers on the one as well as on the other the use of both roofs is permitted'.<sup>38</sup> 'I, the other replied: 'told you this: They learned this<sup>39</sup> only were there was a partition<sup>40</sup> on the one as well as on the other, since the use of the bigger roof is rendered permissible by the railings,<sup>41</sup> while [the use of the smaller one is forbidden since] it has a breach extending along its entire length, but if there was no partition either on the one or on the other, the use of both is forbidden'.<sup>42</sup> 'But did you not speak to us of dwellers?' — 'If I spoke to you of dwellers I must have said this: They learned this<sup>43</sup> only where there was a partition that was suitable for a dwelling-place both on the one as well as on the other,<sup>44</sup> since the use of the bigger roof is rendered permissible by the railings while [the smaller one is forbidden, since] it has a breach along its full side, but if there was a partition suitable for a dwelling-place on the bigger roof and none that was fit for a dwelling-place on the smaller one, even the use of the

smaller one is permitted to the people of the bigger. What is the reason? As they made no partition<sup>45</sup> they have entirely withdrawn themselves from it, [the principle here being the same] as that enunciated by Rav Nachman: If a person fixed a permanent ladder to his roof, he is permitted to use all the roofs'.<sup>46</sup>

Abaye ruled: If a man built an upper story on his house,<sup>47</sup> and constructed in front of it a small door of four tefachim<sup>48</sup> he is thereby permitted to use all the roofs. Rava observed: The small door is sometimes a cause of restrictions.<sup>49</sup> How is this to be imagined? When he made it to open towards his house garden, since it might well be presumed that it was made for the purpose of facilitating the watch over his house garden. (89a – 90a)

<sup>32</sup> For the movement of objects by the occupiers of the house below.

<sup>33</sup> Since three of its sides are detached and defined and the principle of upward extension may well be applied to them, while, on its fourth side, the part which is joined to the smaller roof may be regarded as a doorway and the two sections projecting on either side may be deemed to be extending upwards and forming a kind of railings or side-posts to the two sides of the doorway. The two roofs thus assume the character of two courtyards with a door between them where the smaller one imposes no restrictions on the bigger.

<sup>34</sup> Being exposed to the extent of the entire length of one of its sides to the bigger roof that side cannot be regarded as a door but as a breach, on account of which the people of the bigger roof (as in the case of a similar breach between a bigger, and smaller courtyard) impose restrictions on its use.

<sup>35</sup> That the movement of objects is forbidden on the smaller roof.

<sup>36</sup> And these freely walked across from their own roof to that of their neighbors.

<sup>37</sup> The presumed upward extension of the wall supporting it.

<sup>38</sup> Because the walls, though indistinguishable to one standing on the roofs, are nevertheless deemed to extend

upwards which is in fact the ruling of Shmuel.

<sup>39</sup> That the movement of objects is forbidden on the smaller roof.

<sup>40</sup> All round the roofs except where they adjoin one another.

<sup>41</sup> Or 'side-posts', sc. The imaginary upward extensions of its projections on either side of the smaller roof.

<sup>42</sup> The imaginary railings or side-posts being of no avail where no partitions exist with which to form a doorway.

<sup>43</sup> That the movement of objects is forbidden on the smaller roof.

<sup>44</sup> So that both groups evidently intended to use their respective roofs as dwelling-places.

<sup>45</sup> And thus indicated that they have no intention of living on their roof.

<sup>46</sup> Even according to the Sages. Since the other residents who fixed no ladders have evidently decided to make no use of their roofs the man who did fix one has all their roofs at his disposal and they are, therefore, deemed to form one single domain with his own roof.

<sup>47</sup> By surrounding all his roof with walls.

<sup>48</sup> That opened towards the other roofs.

<sup>49</sup> And the other roofs may not be used even according to Rabbi Meir who holds that all the roofs of a town constitute a single domain.